WAC 246-282-006 Washington state *Vibrio parahaemolyticus* control plan. (1) This section establishes the *Vibrio parahaemolyticus* (*Vp*) control plan (control plan) for the months of May 1st through September 30th (control months). The requirements of this section are an extension of the NSSP Model Ordinance.

(2) A harvester or shellfish dealer harvesting or delivering oysters to a certified shucker packer for shucking or postharvest processing (PHP) during the control months shall label the oysters with a harvest tag stating "For shucking by a certified dealer" or "For PHP by a certified dealer." Oysters harvested and tagged in compliance with this subsection are exempt from subsections (3) through (23) of this section.

(3) A harvester or shellfish dealer harvesting or processing oysters during the control months shall report the volume of oysters harvested or processed. This information must be reported by month, oyster species, size class, utilization type (raw, shucked, postharvest processed), and growing area for all control months. This information must be compiled and reported to the department by December 31st annually. A harvester or shellfish dealer that does not submit this information to the department may not harvest oysters during the control months during the next calendar year.

(4) A harvester or shellfish dealer harvesting oysters during the control months shall complete, submit to the department, and keep on file a current *Vp* harvest plan of operations (harvest plan). The harvest plan must be submitted to the department for review at least 14 calendar days before the first planned harvest within the control months unless no changes have been made to the existing harvest plan. Each harvester or shellfish dealer shall sign and date their harvest plan each year and make it available to the department upon request.

(5) The harvest plan must include, at a minimum:

(a) The harvest, temperature collection, cooling, and conveyance methods;

(b) An example of the harvest temperature record designed to meet the requirements in subsection (10) of this section; and

(c) If water temperature or internal oyster tissue temperature will be used as the harvest temperature to meet the requirements in subsection (10) of this section and specifically how this measurement will be taken.

(6) The department shall review and either approve or deny the harvest plan within 14 calendar days of receipt. If the department denies approval of the harvest plan, the department shall notify the applicant of the decision in writing stating the reasons for the denial and providing the opportunity to correct the deficiencies. A harvester or shellfish dealer may not harvest oysters during the control months unless the department has approved the plan.

(7) A harvester or shellfish dealer shall follow their approved harvest plan. Failure to follow the approved harvest plan subjects the shellfish operation to actions in WAC 246-282-110.

(8) Time of harvest to cooling requirements and harvest controls are based on a risk categorization of each growing area. The department shall assign each growing area a category of 1, 2, or 3, where 1 corresponds to the least stringent and 3 the most stringent harvest controls. These categories are based on the number of single source cases that occurred during the previous consecutive five-year period that were within the control months and attributed to that growing area.

(9) The department shall complete risk categorization and publish a list of all growing areas by risk category by February 1st annually. The department shall use a rolling five-year average number of cases to calculate risk categories as follows:

(a) Category 1: An average of 0.2 or fewer cases attributed to the growing area over a five-year period.

(b) Category 2: An average of more than 0.2, but less than 1.0 cases attributed to the growing area over a five-year period.

(c) Category 3: An average of 1.0 or more cases attributed to the growing area over a five-year period.

(10) Time of harvest to cooling requirements during control months are listed in the tables in (a), (b), and (c) of this subsection. If multiple conditions apply at the time of harvest, then the most stringent time of harvest to cooling must be used.

(a) Category 1:

Condition at Harvest:	**Time of Harvest to Cooling:**
Except as noted below, the time of harvest to cooling requirement is:	9 hours
When **ambient air temperature** is 90.0°F or above:	7 hours
When **harvest temperature** is 68.0°F to 70.0°F:	5 hours
When **harvest temperature** is above 70.0°F:	Harvest is not allowed for 24 hours

(b) Category 2:

Condition at Harvest:	**Time of Harvest to Cooling:**
Except as noted below, the time of harvest to cooling requirement is:	7 hours
When **ambient air temperature** is 85.0°F or above:	5 hours
When **harvest temperature** is 66.0°F to 68.0°F:	3 hours
When **harvest temperature** is above 68.0°F:	Harvest is not allowed for 24 hours

(c) Category 3:

Condition at Harvest:	**Time of Harvest to Cooling:**
Except as noted below, the time of harvest to cooling requirement is:	5 hours
When **ambient air temperature** is 80.0°F or above:	3 hours
When **harvest temperature** is 64.0°F to 66.0°F:	1 hour
When **harvest temperature** is above 66.0°F:	Harvest is not allowed for 24 hours

(d) When a harvester or shellfish dealer places oysters in a container or conveyance, but does not remove them from the harvest site as part of their harvest, the following conditions must be met:

(i) The harvester or shellfish dealer shall hold a valid site certification for that site;

(ii) The oysters in the container or conveyance must be returned to approximately the same tidal level or lower than where they were collected; and

(iii) The oysters must be covered by the tide for a minimum of four hours before harvest can be completed.

(11) A harvester or shellfish dealer shall record and maintain a harvest temperature record for each harvest site for all harvests during the control months. The harvest temperature record must be maintained for three years and made available to the department upon request. The following measurements must be taken at the date, time, and location of harvest and recorded in the harvest temperature record:

(a) Air temperature; and

(b) Harvest temperature. A harvester or shellfish dealer using water temperature for the harvest temperature must take the water temperature at the depth of oysters unless another method is documented in their harvest plan.

(12) A harvester or shellfish dealer shall take the measurements required by subsection (11) of this section with either:

(a) A thin-tip digital thermometer that is verified monthly using manufacturer specifications or with a method approved in a harvest plan; or

(b) A thermometer certified by the National Institute of Standards and Technology (NIST) with a manufacturer certificate that does not need to be verified monthly.

(13) A harvester or shellfish dealer using a thermometer according to subsection (12)(a) of this section shall document and maintain the thermometer verification with operational records.

(14) A harvester or shellfish dealer using a thermometer according to subsection (12)(b) of this section shall keep the manufacturer certificate with operational records.

(15) A harvester or shellfish dealer shall initiate cooling as soon as practical from the time of harvest and within the time of harvest to cooling requirements for the growing area where the oysters were harvested to ensure that the *Vp* growth is minimized and maximum time of harvest to cooling hours specified in subsection (10) of this section is not exceeded.

(16) If shellstock is beach wet stored or stored in a flow-through wet storage system in a growing area with a different risk category than where it was harvested, the more stringent time of harvest to cooling requirement must be used.

(17) If the required time of harvest to cooling requirements are not met after removal from the harvest site, the harvester or shellfish dealer shall dispose of the oysters using one of the methods below and record the disposition on the harvest record:

(a) Destroy the oysters;

(b) Place the oysters within the original growing area or another approved growing area and allow a minimum of 14 days before reharvesting; or

(c) Deliver the oysters to a certified shucker packer for shucking or PHP and attach a harvest tag meeting the requirements in subsection (2) of this section.

(18) If ownership of oysters is transferred before the oysters are cooled to an internal temperature of 50.0°F or less, the receiving dealer shall meet the time of cooling requirement outlined in subsec-

tion (10) of this section. The harvester shall provide the following information to the receiving dealer:

(a) Temperatures recorded under subsection (11) of this section;

(b) Date, time, and name of the person or entity who received the oysters;

(c) Growing area risk category for the harvested oysters; and

(d) The total time of harvest to cooling for the oysters based on the growing area risk category. If shellstock is wet stored after purchase, the purchasing dealer shall comply with subsection (16) of this section.

(19) A harvester or shellfish dealer shall complete an initial department-approved training specific to the requirements of this section before harvesting or shipping oysters during the control months.

(a) A harvester or shellfish dealer shall complete department-approved refresher training within one year following any revision of this section considered significant under RCW 34.05.328 or at least every five years.

(b) A person responsible for the on-site management of harvest activities must be trained by either the department or a person who completed the department approved training within the last five years.

(c) A harvester or shellfish dealer shall maintain a record of all persons who completed training.

(20) A harvester or shellfish dealer may request a waiver from specific requirements of this section from the department. The request must:

(a) Be in writing;

(b) Identify the requirement requested to be waived;

(c) State the reason for the waiver; and

(d) Provide supporting information.

(21) The department may grant a waiver request if it:

(a) Is consistent with the applicable standards and the intent of this section; and

(b) Provides a comparable level of public health protection to the requirement being waived.

(22) If the department approves a waiver request, the department shall notify the requestor of the decision in writing.

(23) If the department denies a waiver request, the department shall notify the requestor of the decision in writing stating the reasons for the denial. The requestor shall comply with the provision that was the subject of the waiver request.

(24) For the purposes of this section:

(a) "Control months" means May 1st through September 30th.

(b) "Cool" or "cooling" means to:

(i) Adequately ice or place in a controlled environment with a temperature of 45.0°F (7.2°C) or less; and

(ii) Reach and maintain an internal oyster tissue temperature of 50.0°F (10.0°C) or less.

(c) "Harvest temperature" means the water temperature or internal oyster tissue temperature when harvested.

(d) "Single source *Vp* case" or "case" means a laboratory-confirmed *Vp* associated illness or illnesses with a common exposure that are reported to the department. The case must:

(i) Be associated with commercially harvested shellstock;

(ii) Not involve documented postharvest abuse; and

(iii) Be traced back to a single growing area.

(e) "Time of harvest" begins when the first oyster to be harvested in a lot is removed from the water or is no longer submerged by the tide.

[Statutory Authority: RCW 69.30.030 and 43.20.050. WSR 26-01-084, s 246-282-006, filed 12/15/25, effective 1/15/26. Statutory Authority: Chapter 69.30 RCW. WSR 15-08-083, § 246-282-006, filed 3/31/15, effective 5/1/15. Statutory Authority: RCW 60.30.030 [69.30.030]. WSR 14-09-003, § 246-282-006, filed 4/3/14, effective 5/4/14; WSR 09-08-122, § 246-282-006, filed 4/1/09, effective 5/2/09. Statutory Authority: Chapter 69.30 RCW. WSR 08-11-051, § 246-282-006, filed 5/15/08, effective 5/19/08.]